

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 21, 1860.—Ordered to be printed.

Mr. TEN EYCK made the following

REPORT.

[To accompany Bill S. 195.]

*The Committee on Revolutionary Claims, to whom was referred the memorial of the legal representatives of James Bell, late of Chambly, in the Province of Lower Canada, deceased, beg leave to report.*

That on the 30th of June, 1834, an act of Congress was passed for the relief of the heirs of James Bell, directing the accounting officers of the treasury to settle the several accounts of James Bell, late of Chambly, in the British Province of Lower Canada, on equitable principles, for moneys advanced, services rendered, and for stores, materials, and supplies furnished, &c., with a proviso, however, that the sum to be allowed said heirs should not exceed \$5,727 03. That, in pursuance of this act, the accounts were settled by the accounting officers of the treasury, and a balance stated to be due from the United States of \$27,147 54, which was made up of \$6,056 34 principal, and \$21,091 20 interest. That there was thus left due to the heirs aforesaid a balance of \$329 31 principal, and \$21,091 20 interest, as appears by a certified copy of the account referred to and submitted to the committee.

That of the amount thus stated to be due, the United States have paid a part only of the principal, viz: \$5,727 03, and none of the interest.

A balance of three hundred and twenty-nine dollars and thirty-one cents of the principal is therefore unquestionably still due, and, in the opinion of your committee, ought to be paid. The claim of the memorialist, as far as regards this balance, is strictly just, and your committee recommend the passage of an act authorizing the payment of the said sum of three hundred and twenty-nine dollars and thirty-one cents, together with interest thereon from the thirtieth day of June, A. D. one thousand eight hundred and thirty four, until the same be paid, and they report a bill accordingly.

The committee have also examined a report heretofore made on the same subject, April 9, 1856, by Mr. Durkee, of the Senate, which report they believe to be correct in argument and just in conclusion, as far as regards the payment of the balance of three hundred and twenty-nine dollars and thirty-one cents of principal, with interest thereon, and therefore adopt it as their own, to that extent.

It is as follows:

IN THE SENATE OF THE UNITED STATES, *April 9, 1856.*

*The Committee on Revolutionary Claims, to whom was referred the memorial of the legal representatives of James Bell, late of Chambly, in the Province of Lower Canada, deceased, beg leave to report :*

That they have examined with great diligence and care the claim presented by the memorialists in their petition and accompanying documents, and find that it is just and sustained by satisfactory proof. This claim was brought to the attention of Congress as early as 1794, when a report in its favor was submitted to Congress by the committee to whom it was referred. Subsequently, a favorable report was made to Congress on this case by Albert Gallatin, then Secretary of the Treasury. From this period until the death of Mr. Bell, in 1814, the claim was constantly prosecuted; but after his death it was neglected by his children, until they learned that the statute of limitation enacted by Congress was no longer rigidly enforced, when they again brought it forward in the shape of a memorial to Congress. Few cases brought to the attention of the committee have commended themselves to their sense of justice more strongly than this. On the faith of a proclamation issued by Washington himself, and addressed to the people of Canada at the time of its invasion by General Montgomery, Mr. Bell not only furnished the troops with supplies of arms, provisions, clothing, munitions of war, timber, and cordage for the construction of a flotilla, but joined the army in person, and led the assault on Fort Chambly, at the head of a company of volunteers, raised and equipped at his own expense. The fort was captured, and Mr. Bell was wounded; but his enthusiasm in the cause of liberty did not abate. His ample means were all at the disposal of the American army, and were contributed freely to ensure the success of the expedition under the orders of Montgomery. After the fall of that gallant leader under the walls of Quebec, and the retreat of the army, Mr. Bell was taken prisoner, and would have been executed as a traitor but for the influence of certain powerful friends in Scotland, which was successfully exerted with the British general in his behalf. Through their instrumentality he was released; but his fortune was gone, and the remainder of his life was passed in seeking the payment of his claim against the government. In 1814 he died in poverty, leaving his claim as a legacy to his children, who have been pursuing it for the last quarter of a century.

In 1834 an act was passed by Congress for the relief of Mr. Bell's heirs. This act directed the accounting officers of the treasury to settle the several accounts of James Bell on equitable principles, for moneys advanced, services rendered, and for stores, materials, and supplies furnished, &c., with a proviso, however, inserted by the Senate, that the sum allowed should not exceed \$5,727 03. In pursuance of this act the account was settled, and found to amount to \$27,147 54; which was made up of \$6,056 34 principal, and \$21,091 20 interest. There was thus left due to the heirs a balance of \$329 31 principal, and \$21,091 20 interest.

That the claim was one on which interest was legitimately due, a

reference to its character very clearly makes manifest. In almost all cases of like character interest has been paid by Congress. But should principal and interest both be paid, the committee doubt very much whether the memorialists will even then receive a sum equal to that which their ancestor expended in the first place. Your committee, however, do not feel authorized, in the computation of interest, to go further back than 1794, (eighteen years after the supplies were furnished and services rendered,) from the fact that they have no evidence before them that the claim was ever presented for payment until that time. This will reduce the interest as above stated about one third. In the course of Mr. Bell's long imprisonment, and the compulsion he was under to keep his vouchers out of the sight of the enemy, by whom they would have been used as evidence against him, many of them, according to the proof before the committee, were lost or destroyed. It is, therefore, believed that a large portion of the original claim remains unsubstantiated in consequence of the loss and destruction of the vouchers. For this reason, amongst others, the committee are of opinion that the \$329 31, with interest thereon from the time of the former settlement, together with the balance of interest then remaining unpaid, are justly due the memorialists. They therefore report a bill in conformity with this view of the case, and annex to their report the reports of several committees, both of the Senate and House.

